REMARKS

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

A telephone conference between Examiner Michalski and Nathan Weber (one of the appplicant's attorneys) was held on September 1, 2005. The applicant and Mr. Weber wish to thank the Examiner for his time and consideration for such interview.

The main focus of the interview was to discuss the applicant's concern that the primary reference cited by the Examiner, U.S. Patent No. 5,428,827 to Kässer ("the '827 patent") did not teach each of the elements of, for example, claim 14. During the discussion, Examiner Michalski agreed that there was no teaching in the '827 patent of either a stereo-difference signal or a stereo-sum signal. Applicant's attorneys requested that Examiner Michalski withdraw the office action due to the failings in the office action pointed out during the interview. Examiner Michalski declined and requested that this response be filed. Pursuant to this request, Applicant's attorneys respond as follows.

Claims 2-4 and 14-42 are in the application. The Examiner is thanked for indicating that claims 2-4 and 42 are allowed and that claims 16, 17, 19, 21-23, 25, 27, 31-33, 35, and 39-41 contain allowable subject matter and would be allowable if rewritten in independent form.

II. REJECTION UNDER 35 U.S.C. § 102(b)

Claims 14, 15, 18, 20, 24, 26, and 34 were rejected under 35 U.S.C. 102(b) as being anticipated by the '827 patent.

With respect to the Section 102 rejection, it is respectfully pointed out that a two-prong inquiry must be satisfied in order for a Section 102 rejection to stand. First, the prior art reference must contain all of the elements of the claimed invention. *See Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Second, the prior art must contain an enabling

disclosure. *See Chester v. Miller,* 15 U.S.P.Q.2d 1333, 1336 (Fed. Cir. 1990). A reference contains an enabling disclosure if a person of ordinary skill in the art could have combined the description of the invention in the prior art reference with his own knowledge of the art to have placed himself in possession of the invention. *See In re Donohue*, 226, U.S.P.Q. 619, 621 (Fed. Cir. 1985).

As discussed above, Examiner Michalski has agreed that the '827 patent does not teach either a stereo-difference signal or a stereo-sum signal. Accordingly, the '827 patent does not teach each and every limitation of independent claims 14, 15 or 34 and cannot anticipate these claims pursuant to § 102 in view of the case law described above. Therefore, because the '827 patent cannot anticipate independent claims 14, 15 or 34, it is requested that these rejections be withdrawn.

III. REJECTION UNDER 35 U.S.C. § 103(a)

Claims 28-30 and 36-38 were rejected under 35 U.S.C. § 103(a) as unpatentable over the '827 patent in view of U.S. Patent No U.S. patent 3,787,629 to Limberg ("the '629 patent").

Independent claim 28 recites in part the following:

> "**coherently demodulating** said multiplex signal employing a second harmonic of a pilot carrier of said multiplex signal so as to obtain a first intermediate signal." (Emphasis added).

It is respectfully submitted that neither '827 patent nor the '629 patent discloses the claimed feature of "coherently demodulating said multiplex signal employing a second harmonic of the pilot carrier of the multiplex signal." Indeed, it is submitted that there is no disclosure in either of the cited references regarding coherent demodulation. Although the '629 patent teaches the employment of a second harmonic of the pilot carrier of a multiplex signal, this second harmonic is solely used as an input to a phase-shift network 111, and not for "coherent

demodulation." Accordingly, it is submitted that independent claim 28 patentably distinguishes over the combination of the relied upon portions of the '827 and the '629 patent and is allowable.

For similar reasons independent claim 36 also patentably distinguishes over the cited combination of references and is also allowable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

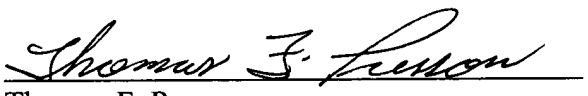
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

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